



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#15

Application of: Thuy Diem Pham

Application Number: 09/866,261

Group Art Unit: Unassigned

Filed: May 25, 2001

Examiner: Unassigned

Title: Viral Detection System

RECEIVED

MAY 21 2004

OFFICE OF PETITIONS

PETITION FOR RECONSIDERATION UNDER 37 C.F.R. § 1.182, OR

IN THE FIRST ALTERNATIVE, PETITION TO REVIVE UNDER 37 C.F.R. § 1.137(a) FOR UNAVOIDABLE ABANDONMENT, OR

IN THE SECOND ALTERNATIVE, PETITION TO REVIVE UNDER 37 C.F.R. § 1.137(b) FOR UNINTENTIONAL ABANDONMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Attn: Office of Petitions

Sir:

Petitioner, Thuy Diem Pham, hereby petitions to the Commissioner for reconsideration under 37 C.F.R. § 1.182 to withdraw the Decision on the Request for Reconsideration of Holding of Abandonment ("Decision") dated April 21, 2004 in connection with the above-captioned patent application. In the first alternative, Petitioner petitions that the Commissioner revive the abandoned patent application under 37 C.F.R. § 1.137(a) for unavoidable abandonment. In the second alternative, Petitioner petitions that the Commissioner revive the abandoned patent application under 37 C.F.R. § 1.137(b) for unintentional abandonment.

I PETITION FOR RECONSIDERATION UNDER 37 C.F.R. § 1.182

According to the Decision, Petitioner "may not rely on [her] Certification of Mailing or [her] return-receipt postcard as evidence of timely filling of the substitute specification." Petitioner respectfully traverses this Decision for the reasons stated below.

The issues in this Petition are:

(A) Whether the Certification of Mailing under 37 C.F.R. § 1.8(a), printed with the obvious typographical error "February 25, 2002" but properly signed and dated by

hand as “September 6, 2002” was proper and can be relied upon to establish that the substitute specification was timely filed;

(B) Whether the Return-Receipt Postcard, that listed “2. Response to Notice to File Corrected Application Papers” and stamped received at the Office on “September 9, 2002” be able to serve as *prima facie* evidence of receipt under the M.P.E.P. § 503.

The applicable rule for the issue of the Certificate of Mailing is 37 C.F.R. § 1.8(a), and the applicable rule for the issue of the Return-Receipt Postcard is M.P.E.P. § 503.

A. CERTIFICATE OF MAILING

The erroneous printing of the date of deposit as “February 25, 2002” is obviously typographical in nature. Any reasonable person, upon reading of the Certificate of Mailing, will readily conclude that the wrong date “February 25, 2002” is superseded by the actual date of “September 6, 2002” for of the following reasons:

(1) The date “September 6, 2002” was conspicuously hand written on the Response to Notice to File Corrected Application Papers (“Response”) and again on the Certification of Mailing.

(2) The date “September 6, 2002” was hand written two times on the Request for Refund, which was filed contemporaneously with the Response.

(3) The Return-Receipt Postcard, showing the date of receipt at the Office as “September 9, 2002,” reflects a reasonable arrival date of a package that was sent on “September 6, 2002.” The Return-Receipt Postcard implies that it is highly unlikely that the package was sent on “February 25, 2002.”

(4) The interpretation that the Response was possibly filed on “February 25, 2002” by the Office of Petitions is clearly erroneous because the Notice to File Corrected Application Paper was mailed on August 2, 2002. Petitioner could not have possibly predicted and filed on “February 25, 2002” a Substitute Specification required by a Notice to File Corrected Application Paper issued five months later.

Hence, the date of “September 6, 2002” is the only possible interpretation of the time of mailing. Petitioner concurrently submits a Corrected Certificate of Mailing in order to formally remove the typographical error of “February 2, 2002.” Petitioner submits that she can rely on both the original Certificate of Mailing and/or the Corrected Certificate of Mailing submitted herewith to show that a Substitute Specification was

indeed filed on September 6, 2002. For this reason alone, the Decision should be withdrawn and the Holding of Abandonment should also be withdrawn.

B. RETURN-RECEIPT POSTCARD

In the Decision, the reason for the denial by the Office of Petitions was based on M.P.E.P. § 503 and that “the postcard does not list a substitute specification.” According to the Decision, the Return-Receipt Postcard was deemed unable “to demonstrate that a substitute specification was present upon the filing of the Coversheet.” Petitioner respectfully traverses with such an interpretation for the following reasons.

The M.P.E.P. § 503 addresses the issue of “required components” by using the example of a patent application having “specification,” “drawings,” “oath or declaration,” etc. However, the M.P.E.P. § 503 does not require the breaking down of a document, such as a Response to Notice to File Corrected Application Papers, into components such as the “Coversheet,” the “Substitute Specification,” or other items.

Importantly, the PTO’s own practice supports Petitioner’s interpretation of M.P.E.P. § 503, and contradicts the rationale stated in the Decision. PTO form PTO/SB/21 “Transmittal Form” lists a number of enclosures that can be sent to the PTO. Form SB/21 lists “Response to Missing Parts/Incomplete Application,” but it did not require any further listings of the components of the “Response to Missing Parts/Incomplete Application.” Petitioner’s postcard merely follows the same logic and same format as PTO’s own SB/21 form. For the Commissioner’s convenience, form SB/21 is reproduced below:

P 1058/21 (02-04)
Approved for use through 07/31/2006. (446) 0651-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM <small>(to be used for all correspondence after initial filing)</small>	Application Number	
	Filing Date	
	First Named Inventor	
	Art Unit	
	Examiner Name	
	Attorney Docket Number	
Total Number of Pages in This Submission		

ENCLOSURES <small>(Check all that apply)</small>		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): check and postcard
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	
Signature	
Date	

CERTIFICATE OF TRANSMISSION/MAILING	
<small>I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.</small>	
Typed or printed name	
Signature	Date

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Petitioner respectfully submits that the Postcard has been properly itemized under “2. Response to Notice to File Corrected Application Papers.” Because there are two items of business before the Office, two items were filed on September 6, 2002:

1. Request For Refund, and
2. Response To Notice To File Corrected Application Papers.

In the first sentence of the Response, Petitioner stated clearly that “attached please find a substitute specification in compliance with 37 C.F.R. § 1.5.” Hence, the substitute specification is an integral part of the Response. The entire purpose of said Response was to submit the Substitute Specification. There was no other reason to file the Response.

For this reason alone and in addition to the reason stated in Section I.A., the Decision denying Petitioner’s Request for Reconsideration of Holding of Abandonment should be withdrawn and the Holding of Abandonment of the above captioned application should be withdrawn.

C. ADDITIONAL REASONS SUPPORTING PRESENT PETITION FOR RECONSIDERATION UNDER 37. C.F.R. § 1.182.

(1) Petitioner filed a Request for Status Inquiry on January 23, 2003, which was well within the six-month statutory requirement for responding to Notice to File Corrected Application Papers. Because no written response was given by the Office to this Status Request, Petitioner filed the Second Status Inquiry on May 21, 2003. As a result, the Office sent Petitioner a letter on June 2, 2003 from the Customer Service Office in Technology Center 1700 that “[w]e project that this application will be first examined in 3 to 6 months from today.”

By virtue of the June 2, 2003 letter, any reasonable person must conclude that the Substitute Specification must have arrived and satisfied the requirement of the Notice to File Corrected Application Papers and the above captioned application was sent from OPIE to Technology Center 1700.

(2) During the telephone conversation on April 12, 2004, between the Undersigned and Mr. Derek Woods of the Office of Petitions, Mr. Woods noticed as fact that stapler holes were found at the corner of the first page of the Response to Notice to File Corrected Application Papers.” This observation was inferred by Mr. Woods that at least some paper(s) must have been removed from the first page of the Response to Notice to File Corrected Application Papers after the package’s arrival at the Office. Petitioner submits that the removed paper(s) inferred by Mr. Woods could have been the Substitute Specification because it was attached to the Response.

(3) Equity requires that the Holding of Abandonment be withdrawn. Petitioner, through her appointed counsel, did everything possible to move the case forward and to satisfy all formality requirements. A substitute specification was indeed filed on September 6, 2002. Petitioner followed through with two Status Requests and was satisfied when Technology Center 1700 provided an estimated time before an Office Action on the merits would be issued. The Holding of Abandonment was a complete surprise. The Decision denying Petitioner’s Request for Reconsideration of Holding of Abandonment was an equal surprise. Petitioner understands that the Substitute Specification was lost at the PTO. Another Substitute Specification was filed with the Request for Reconsideration. Yet another Substitute Specification is being filed

herewith. It is only equitable that the above-captioned application be revived without further delay and without anymore fees.

II PETITION TO REVIVE UNDER 37 C.F.R. § 1.137(a) FOR UNAVOIDABLE ABANDONMENT, OR

In the first alternative, and in the interest of moving the prosecution of this application forward, Petitioner petitions under 37 C.F.R. § 1.137(a) for unavoidable abandonment. Petitioner further emphasizes that the petition under 37 C.F.R. § 1.137(a) is made without acquiescing to the Decision of April 21, 2004 and Petitioner reserves the rights to future petitions. To fulfill the necessary conditions under this rule,

(1) A copy of the Substituted Specification as the Response to File Corrected Application Papers mailed September 6, 2002;

(2) The entire delay of filing the required reply was unavoidable as discussed herein and especially because the Substituted Specification was lost at the PTO in view of the fact that the Office had projected the time of first examination in the letter of June 2, 2003. Petitioner had no way of knowing that the Substitute Specification was lost. Hence, the alleged abandonment was unavoidable.

(3) No disclaimer required pursuant to paragraph (d) of § 1.137.

III PETITION TO REVIVE UNDER 37 C.F.R. § 1.137(b) FOR UNINTENTIONAL ABANDONMENT

In the second alternative, and in the interest of moving the prosecution of this application forward, Petitioner petitions under 37 C.F.R. § 1.137(b) for unintentional abandonment. Petitioner further emphasizes that the petition under 37 C.F.R. § 1.137(b) is made without acquiescing to the Decision of April 21, 2004, and the Petitioner reserves the rights to future petitions. To fulfill the necessary conditions under this rule,

(1) A copy of the Substituted Specification as the Response to File Corrected Application Papers mailed September 6, 2002;

(2) The entire delay of filing the required reply was unintentional for the reasons stated herein.

(3) No disclaimer required pursuant to paragraph (d) of § 1.137.

IV FEES

The Commissioner is authorized to charge \$130 from Deposit Account 50-1980 for the Petition for Reconsideration under 37 C.F.R. 1.182.

Only if that the Petition for Reconsideration under 37 C.F.R. 1.182 is denied, the Commissioner is authorized to charge \$55 from Deposit Account 50-1980 for the Petition to Revive Under 37 C.F.R. 1.137(a).

Only if the Petition for Reconsideration under 37 C.F.R. 1.182 and the Petition to Revive Under 37 C.F.R. 1.137(a) are denied, the Commissioner is authorized to charge \$665 from Deposit Account 50-1980 for the Petition to Revive Under 37 C.F.R. 1.137(b).

The Commissioner is authorized to charge any other required fees from Deposit Account 50-1980 in connection with these petitions.

Date: 17 May 2004

Respectfully submitted

For H. T. Than

Dave Cudo (Reg. No. 53,025)

H.T. Than (Reg. No. 38,632)
Attorney for Petitioner Thuy Diem Pham

The H.T. Than Law Group
Waterfront Center
1010 Wisconsin Ave., N.W. Suite 560
Washington, D.C. 20007
(202) 363-2620 (telephone)

HTT/byj

Encls. 1) Corrected Certification of Mailing
2) Copy of Response to Notice to File Correct Application Papers (incl. Substitute Specification) mailed September 6, 2002.



UNITED STATES PATENT AND TRADEMARK OFFICE

MAY 19 2004

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/866,261	05/25/2001	Thuy Pham Beier	TPB-001D1

H.T. Than Law Group
Sutton Executive Center
Suite 350
3201 New Mexico Avenue
Washington, DC 20016

CONFIRMATION NO. 8078

FORMALITIES LETTER



OC000000008567592

Date Mailed: 08/02/2002

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Filing Date Granted

This application has been accorded an Application Number and Filing Date. The application, however, is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given **TWO MONTHS** from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a)

The required item(s) identified below must be timely submitted to avoid abandonment:

- A substitute specification in compliance with 37 CFR 1.52 because:
 - Papers contain improper margins. *Each sheet must have a left margin of at least 2.5 cm (1") and top, bottom and right margins of at least 2.0 cm (3/4")*

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Thuy Pham BEIER

Application Number: 09/866,261

Group Art Unit: 1631

Filed: May 25, 2001

Examiner: Siu, S.

Title: Viral Detection System

Attorney Docket No.: TPB-001D1

RESPONSE TO NOTICE TO FILE CORRECTED APPLICATION PAPERS

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Notice to File Corrected Application Papers mailed on August 2, 2002 in connection with the above-referenced application, attached please find a substitute specification in compliance with 37 C.F.R. 1.52. The substitute specification incorporates the amendments filed on February 25, 2002 in the Response to the now withdrawn Notice to Comply With Requirements for Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. No new matter is added.

No fee is due for this submission. Please debit any underpayment of fees to deposit account 50-1980.

Respectfully submitted

Date: [PREVIOUSLY FILED ON 9/6/2002]

H.T. Than (Reg. No. 38,632)
Attorney for Petitioner Thuy D. Pham Beier, Ph.D.
3201 New Mexico Ave., N.W. Suite 350
Washington, D.C. 20016
(202) 363-2620 (telephone)

Enclosure

CORRECTED CERTIFICATION UNDER 37 C.F.R. 1.8(a)

I hereby certify that the above paper with attachment was deposited with the United States Postal Service as first class mail in the envelope addressed to: Commissioner of Patents and Trademarks or the Assistant Commissioner for Patents, Washington, D.C. 20231, on September 6, 2002.

H.T. Than
(Name)

(Signature)

38,632
(Reg. No.)

(Date of Signature)

17 May 2004



UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Thuy Pham BEIER

Application Number: 09/866,261

Group Art Unit: 1631

Filed: May 25, 2001

Examiner: Siu, S.

Title: Viral Detection System

Attorney Docket No.: TPB-001D1

RESPONSE TO NOTICE TO FILE CORRECTED APPLICATION PAPERS

Assistant Commissioner for Patents
Washington, D.C. 20231

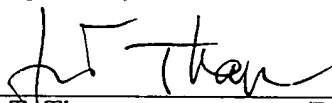
Dear Sir:

In response to the Notice to File Corrected Application Papers mailed on August 2, 2002 in connection with the above-referenced application, attached please find a substitute specification in compliance with 37 C.F.R. 1.52. No new matter is added.

No fee is due for this submission. Please debit any underpayment of fees to deposit account 50-1980.

Respectfully submitted

Date: 9/6/2002

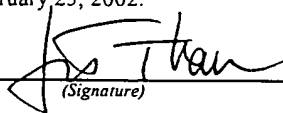

H.T. Than (Reg. No. 38,632)
Attorney for Thuy D. Pham Beier, Ph.D.
3201 New Mexico Ave., N.W. Suite 350
Washington, D.C. 20016
(202) 363-2620 (telephone)

Enclosure

CERTIFICATION UNDER 37 C.F.R. 1.8(a)

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in the envelope addressed to: Commissioner of Patents and Trademarks or the Assistant Commissioner for Patents, Washington, D.C. 20231, on February 25, 2002.

H.T. Than
(Name)


(Signature)

38,632
(Reg. No.)

9/6/02
(Date of Signature)



Express Mail No. ____
Date Mailed 6 September 2002
Ser. No. 09/866,261
Inventors: Thuy Pham Beier

- ☐ Affidavit/Declaration
- ☐ Preliminary Amendment
- ☐ Application Pages
- ☐ Appeal. Notice of
- ☐ Assignment
- ☐ Brief (in triplicate)
- ☐ Declaration & Power of Attorney
- ☐ Design Application
- ☐ Disclaimer
- ☐ Disclosure Statement
 - ☐ w/refs.
 - ☐ w/o refs.
- ☐ Drawings Formal (____ Sheets ____ Figures)
- ☐ Fee Address Indication Form
- ☐ Fee Transmittal
- ☐ Issue Fee Transmittal

First Class Mail (X)

Filed: May 25, 2001
Title: Viral Detection System

- ☐ Oral Hearing Req./Confirm
- ☐ Petition to Extend Time
- ☐ Pet. under 37 C.F.R.
- ☐ Power of Attorney
- ☐ Associate Power of Attorney w/Revocation
- ☐ Response to Trademark Action
- ☐ Sequence Listing ☐ CRF Diskette
- ☐ Paper Copy
- ☐ Small Entity Statement
- ☐ Status Letter
- ☐ Utility Patent Application Transmittal Letter
- ☐ Trademark Application for Registration (☐ with Drawing Page)
- ☒ Other: 1. Request for Refund
2. Response to Notice to File

Express Mail No. ____
Date Mailed 6 September 2002
Ser. No. 09/866,261
Inventors: Thuy Pham Beier

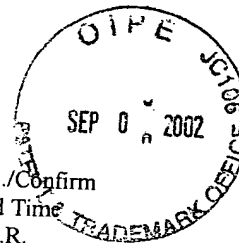
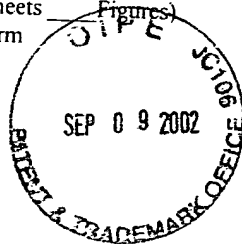
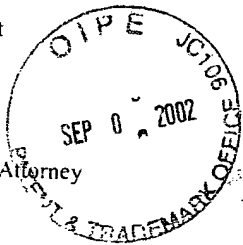
- ☐ Affidavit/Declaration
- ☐ Preliminary Amendment
- ☐ Application Pages
- ☐ Appeal. Notice of
- ☐ Assignment
- ☐ Brief (in triplicate)
- ☐ Declaration & Power of Attorney
- ☐ Design Application
- ☐ Disclaimer
- ☐ Disclosure Statement
 - ☐ w/refs.
 - ☐ w/o refs.
- ☐ Drawings Formal (____ Sheets ____ Figures)
- ☐ Fee Address Indication Form
- ☐ Fee Transmittal
- ☐ Issue Fee Transmittal
- ☐ Letter

First Class Mail (X)

Filed: May 25, 2001
Title: Viral Detection System

- ☐ Oral Hearing Req./Confirm
- ☐ Petition to Extend Time
- ☐ Pet. under 37 C.F.R.
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- ☐ Small Entity Statement
- ☐ Status Letter
- ☐ Utility Patent Application Transmittal Letter
- ☐ Trademark Application for Registration (☐ with Drawing Page)
- ☒ Other: 1. Request for Refund
2. Response to Notice to File

File No. TPB-001D1





DAK

PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/866,261
	Filing Date	May 25, 2001
	First Named Inventor	Thuy Diem Pham
	Art Unit	
	Examiner Name	
Total Number of Pages in This Submission	Attorney Docket Number	TPB-001.D1

RECEIVED
MAY 21 2004
OFFICE OF PETITIONS

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks Petition for Reconsideration Under 37 CFR 1.182, or In the first alternative, Petition to Revive Under 37 CFR 1.137(a), or In the second alternative, Petition to Revive Under 37 CFR 1.137(b), and two (2) attachments		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	H. T. Than (Reg. No. 38,632)	
Signature	For H. T. Than David K. Ho (Reg. No. 53,025)	
Date	17 May 2004	

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	David K. Ho		
Signature	David K. Ho (Reg. No. 53025)	Date	17 May 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.